

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	§	
	§	
vs.	§	Case No. 3:18-cr-00200
	§	Honorable William L. Campbell, Jr
LUIS COLINDRES,	§	United States District Judge
Defendant.	§	

JOINT MOTION TO ASCERTAIN STATUS OF THE JURY TRIAL
AND TO EXTEND PRETRIAL DEADLINES

The Defendant, Luis Colindres, through his counsel, Patrick McNally and Stephanie Ritchie Mize, along with the United States, through Assistant United States Attorney, Ahmed Safeeullah, and respectfully move to ascertain the status of the jury trial scheduled for January 19, 2021, given the Ninth Amended Administrative Order No. 209 (“AO 209”) continuing jury trials scheduled through February, 2021. Several pretrial filing deadlines are imminent, and counsel requests an Order extending the filing deadlines pending further Orders of the Court.

The Chief Judge recently issued AO 209 finding “exigent circumstances related to the COVID-19 pandemic still exist” and ordered jury trials scheduled to begin now through February 28, 2021, to be continued pending further order by the presiding judge. AO 209, p. 2, ¶ 1. A limited exception is provided where

“upon motion of parties, if the presiding judge determines the facts and circumstances are so unusual and extraordinary the trial cannot be further delayed without serious harm to the interests of justice, the presiding judge, in conjunction with the Chief Judge, will determine whether the trial will proceed as scheduled.” AO 209, p. 3, ¶ 2.¹

The jury trial of this matter is scheduled for January 19, 2021. (Docket entry no. 103). The pretrial motion filing deadline and deadline for disclosure of Rule 404(b) evidence is December 22, 2020. (*Id.*) The deadline for filing motion in limine is December 29, 2020, and the pretrial conference is scheduled for January 11, 2021. (*Id.*) Pending before the Court is defense counsels’ motion to withdraw. (Docket entry no. 107).

Counsel for the parties are not requesting the trial proceed on January 19th. Mr. Luis Colindres may object to a continuance of his trial date because of the length of his pretrial detention. However, the facts and circumstances are not so unusual and extraordinary the trial cannot be further delayed without serious harm to the interests of justice. For instance, the Chief Judge

¹ The exception is reigned in with the additional language “However, as set forth in paragraph 3, the Court notes concerns regarding its ability to safely conduct a criminal jury trial under the current public health circumstances and its ability to provide an adequate jury pool. Accordingly, the Court remains of the opinion that in this district at this time, continuances of criminal jury trials are generally in the best interest of the proper administration of justice.” AO 209, p. 3, ¶ 2. Paragraph 3 outlines the facts making criminal jury trials impractical at this time. AO 209, p. 3, ¶ 3.

concluded in AO 209, that the period of a continuance under the Administrative Order is excluded under the Speedy Trial Act and the ends of justice are best served by ordering a continuance and outweigh “each defendant’s” right to a speedier trial. AO 209, p. 3.

Moreover, Mr. Colindres has on several occasions filed a waiver of his right to a speedy trial when it served his interests. Only recently has he written the Court with complaints that his lawyers were not ready for trial in November, 2020. Mr. Colindres is the deviser of his situation as outlined in the Defense Counsel’s Response to Defendant’s Letter and Motion to Withdraw as Counsel of Record. (Docket entry no. 107). At this time, counsel is requesting an order to extend the pretrial deadlines and to ascertain the status of the case in light of AO 209 and the pending motion to withdraw by defense counsel.

Wherefore, the parties request the Court for guidance on the above matters and enter an order extending the pretrial filing deadlines.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Ascertain Status of the Jury Trial and to Extend Pretrial Deadlines has been electronically filed with the clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing to Mr. Ahmed A. Safeeullah, Assistant U.S. Attorney, 110 9th Ave, South, Suite A-961, Nashville, TN 37203, Ms. Stephanie Ritchie Mize, 133 Franklin Street, Clarksville, Tennessee 37040, and Mr. Luke Evans, counsel for Oscar Delgado Flores, 302 N. Spring Street, Murfreesboro, TN 37130, on this the 17th day of December, 2020.

s/Patrick T. McNally
PATRICK T. MCNALLY